



PTO/SB/26 (10-00)

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TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION OVER A PRIOR PATENT

Docket Number (Optional)
XTR004 CIP

In re Application of:

Name: John Gerdes, et al.

Application Number: 09/944,064

Filed: August 31, 2001

For: NUCLEIC ACID ARCHIVING

The owner Xtrana, Inc., of the entire interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of U.S. Patent No. 6,291,166. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

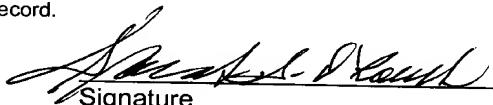
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2. The undersigned is an attorney of record.



Signature

Feb 12, 2003
Date

Sarah O'Rourke, Reg. 41,226

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